MYSORE ACT No. I OF 1873[1]

[2]THE WILD ELEPHANTS (PRESERVATION) ACT, 1873.

An Act to prevent the indiscriminate destruction of Wild Elephants.

Preamble.

WHEREAS it is expedient to make provision to prevent the indiscriminate destruction of wild elephants within the [3][State of Mysore except Bellary District][3]; it is hereby enacted as follows:—

Local extent.

1. This Act extends to the [3][whole of the State of Mysore except Bellary District.]

Commencement.

2. From and after the said day, the destruction of wild elephants is prohibited, except as hereinafter provided.

Destruction of wild elephants prohibited. Penalty for destroying female elephants.

3. Whoever shoots at, or intentionally destroys, or abets, within the meaning of the Indian Penal Code, the shooting at, or destruction of, any wild female elephant upon waste or forest land, whether such land be the property of Government or otherwise, shall be liable to a penalty not exceeding five hundred rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding three months.

Any person convicted under this Act of an offence committed after his previous conviction under this Act, shall be liable to a penalty not exceeding one thousand rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

Penalty for destroying male elephant on Government land without license.

4. Whoever, not being authorized thereto by a license granted under the provisions of section 7, shoots at, or intentionally destroys, or abets, within the meaning of the Indian Penal Code, the shooting at, or destruction of, any wild male elephant upon waste or forest land, the property of the Government, shall, upon a first or second conviction, be liable to the penalties and periods of imprisonment respectively provided for a first or second conviction in section 3 of this Act.

Saving clause as to destruction of male elephants on zamindary or private land.

5. Nothing in this Act shall be deemed to prevent any zamindar or other proprietor or occupier of land, or any person duly authorized in that behalf by any such zamindar,

1. This Act was extended to Mysore by the Viceroy and Governer-General in Council by Notification of the Government of India, Foreign Department, Judicial, No. 88 J, dated the 22nd May 1874.
2. Short title given by Mysore Act VIII of 1949.
3. See the Mysore Adaptation of Laws Order, 1953.

proprietor, or occupier, from destroying wild male elephants upon the waste or forest lands of such zamindar, proprietor or occupier.

Saving clause as to destruction of elephants on cultivated lands, etc.

6. Nothing in this Act shall be deemed to prevent any person from shooting at, or destroying any wild male or female elephant found upon cultivated lands, or upon or in the immediate vicinity of any public road, or to prevent any person from shooting at or destroying any male or female elephant in defence of himself or any other person.

License to shoot male elephants.

7. The Collector or other officer in charge of a district may, subject to such rules as may, from time to time, be made by the Government of Mysore, issue a license to any person authorizing him by name to shoot wild male elephants upon waste or forest lands, the property of the Government, in such district, for the period of one year from the date of the grant of such license.

Every such license shall become void at the expiration of the said period, but may be renewed by such Collector or other officer for a like period:

Proviso.

Provided that every such license shall become void upon the conviction under this Act of the person to whom such license was granted.

Power to make rules for grant or renewal of licenses.

8. The Government of Mysore, may make rules for regulating the grant or renewal of licenses under this Act, and the fees to be charged on such grant or renewal, and may, from time to time, alter or cancel such rules.

Limitation of Prosecution.

9. Every prosecution under this Act shall be commenced within a period of six months from the date of the offence, in respect of which it is instituted.

In section 7, for the words "Government of Mysore" read "Local Government."

In section 8, for the words "Government of Mysore" read "Local Government."